

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

R. R., et al.,

Plaintiffs,

v.

OAKLAND UNIFIED SCHOOL
DISTRICT,

Defendant.

Case No. 13-cv-05069-KAW

ORDER CONTINUING HEARING ON
DEFENDANT'S MOTION TO MODIFY
"STAY PUT" TO AUGUST 21, 2014

Dkt. No. 61

On July 3, 2014, Defendant Oakland Unified School District filed a motion to modify Student's "stay put" classroom placement to Skyline High School's Special Day Class for students with autism. (Def.'s Mot., Dkt. No. 61; Proposed Order, Dkt. No. 62.) The motion was noticed for hearing on August 7, 2014, which is not 35 days after the filing of the motion. *See* Civil L.R. 7-2(a).

Accordingly, the Court continues the hearing until August 21, 2014. Plaintiff's opposition shall be filed on or before July 23, 2014. The District's reply, if any, shall be filed on or before July 30, 2014. *See* Civil L.R. 7-3(c).

The Court notes that one of Plaintiffs' primary objections to the 2013 IEP was that Student's classroom placement was not on a high school campus. (*See* Second Am. Compl., Dkt. No. 63 ¶¶ 10, 27-28, 34-35, 39.) The parties, however, may agree to change Student's stay put placement to a high school campus during the pendency of the proceedings. *See* 34 C.F.R. § 300.518(a). An agreement to a change in school site placement for the purposes of stay put has nothing to do with the merits of the Administrative Law Judge's decision. Thus, the Court

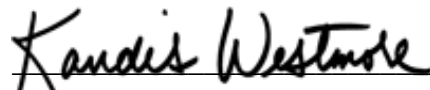
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1 urges the parties to come to agreement that is both in Student's best interest and that does not
2 require unnecessary motion practice.

3 IT IS SO ORDERED.

4 Dated: July 9, 2014

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6 KANDIS A. WESTMORE
7 United States Magistrate Judge
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